

FEDERAL DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PAUL J. GARLASCO,

Plaintiff,

-against-

DANIEL BECKNER, JR. and ACTION CARTING  
ENTL SERVICES, INC.,

Defendants.  
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COMPLAINT

File No.:

Dated:

Plaintiff, as and for his Complaint, by his attorneys, Rusk, Wadlin, Heppner & Martuscello, LLP, respectfully shows to the Court and alleges as follows, upon information and belief:

1. That at all times hereinafter mentioned, the Plaintiff resides at 83 Park Lane Road, New Milford, CT 06776.
2. That at all times hereinafter mentioned, the Defendant, Daniel Beckner, Jr., hereinafter referred to as ("BECKNER"), resides at 31 Kathy Ct, Brick, New Jersey 08724.
3. That at all times hereinafter mentioned, the Defendant, Action Carting ENTL Services, Inc., hereinafter referred to as ("ACTION CARTING"), with their place of business located at 451 Frelinghuysen, Newark, New Jersey 07114.
4. That at all times hereinafter mentioned, the Plaintiff was an operator of a 2014 Hyundai bearing Connecticut Registration Plate Number 8APNAS.
5. That at all times hereinafter mentioned, the Defendant, BECKNER, was operating a 2007 Kenworth truck bearing New Jersey Plate Number AR930C.
6. That heretofore and on or about the 21st day of December, 2015 at approximately 1:02 a.m. the Plaintiff was proceeding in a generally southerly direction on Park Avenue in the City of New York.

7. That on said occasion at the aforementioned time and date, the Defendant, BECKNER, was proceeding in a generally easterly direction on 52nd Street.

8. That on said occasion, the Defendant, BECKNER, was operating the aforementioned vehicle owned by ACTION CARTING with the express permission and consent of ACTION CARTING.

9. That at all times hereinafter mentioned, the Defendant, BECKNER, operated, maintained and controlled his vehicle as aforesaid in such a reckless, careless, negligent, unlawful and improper manner that his vehicle was caused to strike the vehicle in which the Plaintiff was operating at the intersection of Park Avenue and 52nd Street, when the Defendant, BECKNER, failed to stop his vehicle at a red light.

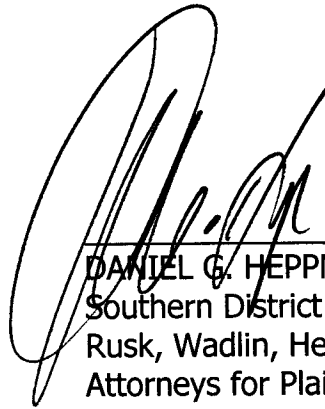
10. That said collision and accident was caused by the reckless, careless, negligent, unlawful and improper manner in which the Defendant, BECKNER, operated, maintained and controlled his vehicle, and that as a result thereof, the Plaintiff, Paul J. Garlasco, sustained a serious injury as defined by Insurance Law, Section 5102.

11. By reason of said injures, the Plaintiff was rendered sick, sore, lame and disabled, required hospitalization and medical care and treatment, was rendered incapable of performing his usual activities or enjoying any comforts or amusements, has endured pain, discomfort, disfigurement and disability by reason of said injuries, and upon information and belief, will endure pain and discomfort and be disabled and handicapped for an unknown length of time in the future.

12. By reason of the foregoing, Plaintiff, Paul J. Garlasco, has been damaged in a sum which does exceeds the jurisdictional limits of all other lower courts which would otherwise have jurisdiction, together with interest, costs and disbursements of this action, and for such other and further relief as the Court may deem just and proper.

WHEREFORE, Plaintiff demands judgment against the Defendants in an amount to be determined by the jury as hereinbefore requested, together with such interest, costs and disbursements of this action and for such other and further relief as the Court may deem just and proper.

Dated: September 26, 2016  
Kingston, New York

A handwritten signature in black ink, appearing to read 'D. G. Heppner', is written over a horizontal line.

DANIEL G. HEPPNER, ESQ.  
Southern District Bar Roll #: DH9753  
Rusk, Wadlin, Heppner & Martuscello, LLP  
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